

## NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

### Sec. 77.13 Construction or alteration requiring notice

a) Except as provided in Sec. 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in Sec. 77.17:

(1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a)(5) of this section.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater; for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) (1) or (2) of this section.

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAR standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(5) Any construction or alteration on any of the following airports (including heliports):

(i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an armed force of the United States.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that

notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if-- .

- (1) The construction or alteration is more than 200 feet above the surface level of its site; or
- (2) An FAA regional office advises him that submission of the form is required.

**Sec. 77.15. Construction or alteration not requiring notice.**

No person is required to notify the Administrator for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where It is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

(d) Any construction or alteration for which notice is required by any other FAA regulation.

**Sec. 77.17 Form and time of notice.**

(a) Each person who is required to notify the Administrator under Sec. 77.13(a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.

(b) The notice required under Sec. 77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates:

- (1) The date the proposed construction or alteration is to begin.
- (2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption- Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

(e.) Each person who is required to notify the Administrator by paragraph (b) or (c) of Sec. 77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

## **ADDRESSES OF THE REGIONAL OFFICES**

### **Alaska Region**

#### **AK**

Alaskan Regional Office  
Air Traffic Division, AAL-530  
222 West 7th Avenue  
Anchorage, AK 99513  
Tel: 907-271-5893

#### **Mailing Address**

Federal Aviation Administration  
Alaskan Regional Office  
Air Traffic Division, AAL-530  
222 West 7th Avenue, Box 14  
Anchorage, AK 99513-7587

### **Central Region**

#### **NE, IA, MO, KS**

Central Regional Office  
Air Traffic Division, ACE-530  
601 East 12th Street  
Kansas city, MO 64106  
Tel. 816-426-3408

**Eastern Region****NY, PA, WV, VA, DC, MD, DE, NJ**

Eastern Regional Office  
Air Traffic Division, AEA-530  
JFK International Airport  
Fitzgerald Federal building  
Jamaica, NY 11430  
Tel. 718-553-1228  
Fax. 718-553-1384

**Great Lakes Region****ND, WI, MI, SD, IL, OH, MN, IN**

Great Lakes Regional Office  
Air Traffic Division, AGL-530  
2300 East Devon Avenue  
Des Plaines, IL 60018  
Tel. 708-294-7568

**New England Region****MA, NH, VT, RI, CT, ME**

New England Regional Office  
Air Traffic Division, ANE-530  
12 New England Executive Park  
Burlington, MA 01803-5299  
Tel. 617-238-7538

**Northwest Mountain Region****WA, OR, MT, ID, WY, UT, CO**

Northwest Mountain Regional Office  
Air Traffic Division, ANM-530  
1601 Lind Avenue, SW  
Renton, WA 98055-4056  
Tel. 206-227-2530  
Fax 206-227-1530

**Southern Region****KY, TN, NC, SC, GA, AL, MS, FL, VI, PR**

Southern Regional Office  
Air Traffic Division, ASO-530  
1710 Columbia Avenue  
College Park, GA 30337  
Tel. 404-305-5585

Mail Address:

Federal Aviation Administration  
Southern Regional Office  
Air Traffic Division, ASO-530  
P.O. Box 20636  
Atlanta, GA 30320

**Southwest Region****NM, TX, OK, AR, LA**

Southwest Regional Office  
Air Traffic Division, ASW-530  
2601 Meacham Blvd.  
For Worth, TX 76137-4298  
Tel. 871-222-5531

Mail Address:

Department of Transportation  
Federal Aviation Administration  
Fort Worth, TX 76193-0530

**Western Pacific Region****HI, CA, NV, AZ, GU**

Western-Pacific Regional Office  
Air Traffic Division, AWP-530  
15000 Aviation Boulevard  
Hawthorne, CA 90260  
Tel. 310-297-1182

Mail Address:

AWP-530  
P.O. Box 92007  
World Way Postal Center  
Los Angeles, CA 90009